

Vow and Covenant

Vow (Nazr)

Issue 2649: * Vow means making it obligatory upon oneself to do some good act, or to refrain from doing an act which it is better not to do, for the sake of, or for the pleasure of Allah.

Issue 2650: While making a vow, a formula declaration has to be pronounced, though is not necessary that it should be in Arabic. If a person says: “When the patient recovers from his ailment, it will be obligatory upon me to pay \$10 to a poor man, for the sake of Allah,” his vow will be in order.

Issue 2651: * It is necessary that the person making a vow is baligh and sane, and makes the vow with free will and intention. If he has been coerced to make a vow, or if he makes it owing to excitement, without any intention or choice, his vow is not in order.

Issue 2652: * If a person who is feeble-minded, (i.e. one who squanders his property for useless purposes) makes a vow, for example, to give something to poor, his vow is not in order. Similarly, if a bankrupt person makes a vow to pay from the wealth over which he has no right of disposal or discretion, the vow will not be valid.

Issue 2653: * If a husband disallows his wife to make a vow, her vow will not be valid, if that vow in any way violates the rights of the husband. Similarly, a wife making a vow to pay from her wealth, without her husband's permission, commits an act which is not free from Ishkal, except when the vow is for Hajj, Zakat, Sadaqa or for doing a good turn to her parents, or her blood relations.

Issue 2654: * If a woman makes a vow with the permission of her husband, he cannot abrogate her vow, or restrain her from fulfilling her vow.

Issue 2655: * If a child (son or daughter) makes a vow, with or without the permission of his/her father, he/she should fulfil his/her vow. However, if his/her father or mother disallows him/her to fulfil the vow, his/her vow is void, provided that the fulfilment of the vow does not have any priority.

Issue 2656: A person can make a vow only for an act which is possible for him to fulfil. If, for example, a

person is not capable of travelling up to Karbala on foot, and he makes a vow that he will go there on foot, his vow will not be in order.

Issue 2657: * If a person makes a vow that he will perform a haraam or makrooh act, or that he would refrain from a wajib or mustahab act, his vow is not valid.

Issue 2658: If a person makes a vow that he will perform or abandon a normal act, the performing or abandoning of which has equal merits, his vow is not in order. But if performing it is better in some respect, and a person makes a vow keeping that merit in view, for example, if he makes a vow that he will eat a certain food so as to gain strength for worshipping Allah, his vow will be in order. Also, if its renouncing is better in some respect, and the vow to renounce it is made with that intention, for example, if he finds smoking is harmful and makes a vow not to smoke, his vow is in order. However, at any time when he feels that smoking is not harmful for him, the vow will cancel by itself.

Issue 2659: * If a person makes a vow, that he will offer his obligatory prayers at a place where offering does not inherently carry higher spiritual merits, for example, he makes a vow to offer his prayers in a certain room, his vow will be valid, only if, offering prayers there has some merit, like, being able to concentrate better due to solitude.

Issue 2660: If a person makes a vow to perform an act, he should perform it in strict accordance with his vow. If he makes a vow to give Sadaqa, or to fast on the first day of every month, or to offer prayers of the first of the month, if he performs these acts before that day or after, it will not suffice. Also, if he makes a vow that he will give Sadaqa when a patient recovers, but gives away before the recovery of the patient, it will not suffice.

Issue 2661: If a person makes a vow that he will fast, without specifying the time and the number of fasts, it will be sufficient if he observes one fast. And if he makes a vow that he will offer prayers, but does not specify its number and particulars, it will be sufficient if he offers a two rak'at prayers. And if he makes a vow that he will give Sadaqa, not specifying its nature or quantity, and he gives something which can be deemed as Sadaqa, his vow will be fulfilled. And if he simply makes a vow that he will act to please Almighty Allah, his vow will be fulfilled if he offers one prayers, or observes one fast, or gives away something by way of Sadaqa.

Issue 2662: * If a person makes a vow that he will observe fast on a particular day, he should observe fast on that very day; and if he does not observe fast on that day intentionally, he should, besides observing the qadha for that fast, also give Kaffarah for it. And the Kaffarah applicable in this case is the one prescribed for violation of the Oaths, as will be mentioned later. However, travelling for him on that day is permissible, and he will not fast. Also, it is not obligatory upon him to make a niyyat for ten days so as to be able to fast. If a person who made the vow could not fast on the particular day because of being on a journey, illness, or in the case of a woman, being in the state of Haidh, or for any good excuse, then he will give only qadha of that fast, and there will be no Kaffarah.

Issue 2663: * If a person, of his own choice and volition, violates his vow, he should give Kaffarah for it.

Issue 2664: If a person makes a vow to renounce an act for some specified time, he will be free to perform that act after that time has passed. But if he performs it before that time, due to forgetfulness, or helplessness, there is no liability on him. Even then, it will be necessary for him to refrain from that act for the remaining time, and if he repeats that act before it without any excuse, he must give Kaffarah for it.

Issue 2665: * If a person makes a vow to renounce an act, without setting any time limit, and then performs that act because of forgetfulness, helplessness or carelessness, it is not obligatory for him to give a Kaffarah, but, after the first instance, if he repeats the act again at any time, voluntarily, he must give Kaffarah for it.

Issue 2666: If a person makes a vow that he/she will observe fast every week on a particular day, for example, on Friday, and if Eid ul Fitr or Eid ul Azha falls on one of the Fridays or an excuse like journey (or menses in the case of women) springs up for him/her, he/she should not observe fast on that day, but give its qadha.

Issue 2667: If a person makes a vow that he will give a specific amount as Sadaqa, and dies before having given it away, it is not necessary that that amount be deducted from his estate. It is better that the baligh heirs of the deceased give that amount as Sadaqa on his behalf, out of their own shares.

Issue 2668: * If a person makes a vow that he will give Sadaqa to a particular poor, he cannot give it to another poor, and if that poor person dies, he should on the basis of recommended precaution, give the Sadaqa to his heirs.

Issue 2669: If a person makes a vow that he will perform the Ziyarat of a particular holy Imam, for example of Abu Abdillah Imam Husayn (A.S.) his going for the Ziyarat of another Imam will not be sufficient, and if he cannot perform the Ziyarat of that particular Imam because of any good excuse, nothing is obligatory on him.

Issue 2670: If a person has made a vow that he will go for Ziyarat, but has not included in his vow that he will do Ghusl or pray after the Ziyarat, it is not necessary for him to perform those acts.

Issue 2671: * If a person makes a vow that he would spend some amount of money on the shrine of one of the Imams, or the descendants of the Imams, without having any particular project in mind, he should spend it on the repairs, lighting, carpeting etc. of the shrine.

Issue 2672: * If a person makes a vow to use something in the name of Holy Imam himself, and has an intention to put it to a specific use, he should spend it for that very purpose. And if he has not made an intention to put it to any specific use, it is better that he should use it for a purpose which has some relationship with that Imam, for example, he should spend it on poor Zawwar of that Imam, or on the

shrine of the Imam, like its repairs etc. or for such purposes which would glorify the memory of that Imam. The same rule applies in the case of the descendants of the Imams.

Issue 2673: * If someone makes a vow that he would give a sheep as Sadaqa, or in the name of a Holy Imam, and if it gives milk, or gives birth to a young one, before it is put to use in accordance with the vow, the milk or the lamb will be the property of the person who made the vow, unless he had included them in his vow. And the growth of fat on the animal will be considered part of the vow.

Issue 2674: If a person makes a vow for an act, if a patient recovers or a traveller returns home, and if it transpires later that the patient had already recovered or the traveller had already returned before he had made the vow, it will not be necessary for him to fulfil his vow.

Issue 2675: If a father or a mother makes a vow that he/she will marry their daughter to a Sayyid, the option rests with the girl when she attains the age of puberty, and the vow made by the parents has no significance.

Issue 2676: * When a person makes a covenant with Allah, that if his particular lawful need is fulfilled, he will perform a good act, it is necessary for him to fulfil the covenant. Similarly, if he makes a covenant without having any wish, that he will perform a good act, the performing of that act becomes obligatory upon him.

Issue 2677: * As in the case of vow, a formal declaration should be pronounced in the case of covenant ('Ahd) as well. And it is commonly held that the covenant that one makes should be related to either acts of worship, like, obligatory or Mustahab prayers, or to acts whose performance is better than its renunciation. But this is not so. In fact, all covenants which fall within the category specified in rule no. 2680 related to oaths, are valid and ought to be fulfilled.

Issue 2678: If a person does not act according to the covenant made by him, he should give a Kaffarah for it, i.e. he should either feed sixty poor persons, or fast consecutively for two months, or set free a slave.

Rules Regarding Oath (Qasam)

Issue 2679: If a person takes an oath that he will perform an act (e.g. that he will fast) or will refrain from doing an act (e.g. that he will not smoke), but does not intentionally act according to his oath, he should give Kaffarah for it, which means he should set a slave free, or should fully feed ten indigent persons, or should provide them with clothes. And if he is not able to perform these acts, he should fast for three consecutive days.

Issue 2680: * The conditions for validity of an oath are:–

(i) A person who takes an oath should be Baligh and sane, and should do so with free will and clear

intention. Hence, an oath by a minor, an insane person, an intoxicated person, or by a person who has been coerced to take an oath, will not be in order. Similarly, if he takes an oath involuntarily, or unintentionally, in a state of excitement, the oath will be void.

(ii) An oath taken for the performance of an act which is haraam or makrooh, is not valid. Similarly, an oath for renouncing an act which is obligatory or Mustahab is also void. And if he takes an oath to perform a normal or usual act, it will be valid, if that act has any preference in the estimation of sensible people. Similarly, if he takes an oath for renouncing a usually permissible act, it will be valid if it is deemed more preferable than its performance, by the sensible people. In fact, in each case, his own judgement about the preferences will be enough to grant validity to the oath, even if other sensible people may not concur.

(iii) The oath must be sworn by one of those names of the Almighty Allah which are exclusively used for Him, (e.g. 'Allah'). And even if he swears by a name which is used for other beings also, but is used so extensively for Him, that when any person utters that name one is reminded of Him Alone, for example, if he swears by the name Khaliq (the Creator) and Raziq (the Bestower), the oath will be in order. In fact, if he uses other names or attributes of Allah, which do not remind of Him, but give that connotation when used during an oath, like Samee' (All Hearing) or Baseer (All Seeing), even then the oath will be valid.

(iv) The oath should be uttered in words, but a dumb person can take an oath by making a sign. Similarly, if a person is unable to utter the words, he may write down the oath, repeating in his mind the intention for it, that will be a valid oath, though as a precaution, he may confirm the oath in other ways as well.

(v) It should be possible for him to act upon his oath. And if he was able to act upon the oath when he took it, but became incapable of acting upon it later, the oath becomes nullified from the time he became incapable of acting upon it, provided that he did not incapacitate himself purposely. And the same rule applies if acting upon one's vow, oath, or covenant, involves unbearable hardship.

Issue 2681: If the father forbids his son to take an oath, or the husband forbids his wife to take an oath, their oath is not valid.

Issue 2682: * If a son takes an oath without the permission of his father, or a wife takes an oath without the permission of her husband, the father or the husband can nullify the oath.

Issue 2683: If a person does not act upon his oath because of forgetfulness, helplessness or heedlessness, he is not liable for Kaffarah. And the same rule applies, if he is forced not to act upon his oath. And if an obsessed person takes an oath like, if he says: "By Allah, I am going to offer prayers now at once," and then does not offer prayers owing to the whims haunting him, which renders him incapable of acting according to the oath it is not necessary for him to give Kaffarah.

Issue 2684: * If a person swears to confirm that he is telling the truth, and if that is actually the truth, his

taking of the oath is Makrooh; and if it is a lie, his taking of the oath is haraam. In fact, to make a false oath in the cases of dispute is a major sin. However, if a person takes a false oath in order to save himself, or another Muslim from the torture of an oppressor, there is no objection in it, in fact, at times it becomes obligatory. However, if a person can resort to 'Tauriyat' (dissimulation), that is, if at the time of taking an oath, he makes a vague, feigned utterance with no intention of resorting to falsehood, then it is better for him to do so. For example, if an oppressor or a tyrant who wants to harm someone asks him whether he has seen that person, and he had seen him an hour earlier, he would say that he has not seen him, meaning in his mind that he has not seen him during the last few minutes.

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